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03 12-CV-05856-DECL
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

09 RICHARD T. FRAZER,)
10 Plaintiff,) CASE NO. C12-5856-RSL-MAT
11 v.)
12 MICHAEL J. ASTRUE,) ORDER DENYING MOTION TO
Commissioner of Social Security,) DISMISS AND MOTION FOR
13 Defendant.) DEFAULT
14 _____)
15

The Court has reviewed defendant's Motion to Dismiss (Dkt. 10), plaintiff's objections (Dkt. 12), plaintiff's Motion for Default (Dkt. 13), defendant's objections (Dkt. 15), the Report and Recommendation of United States Magistrate Judge Mary Alice Theiler, and the remainder of the record. It is therefore ORDERED:

19 (1) The Court adopts the Report and Recommendation;
20 (2) Both defendant's Motion to Dismiss (Dkt. 10) and plaintiff's Motion for Default
21 (Dkt. 13) are DENIED;
22 (3) Defendant is directed to submit an Answer to plaintiff's complaint; and

ORDER DENYING MOTION TO DISMISS
AND MOTION FOR DEFAULT
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01 (4) The Clerk shall direct copies of this Order to all counsel and to Judge Theiler.
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DATED this 7th day of March, 2013.

RLS/Lasnik

ROBERT S. LASNIK
United States District Judge

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